

PATENT  
CASE SY01106KQB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Application of: :  
Wild et al. :  
 : Examiner: Brumback, B.  
For Patent For: :  
RECOMBINANT LARYNGOTRACHEITIS : Group Art Unit: 1642  
VIRUS AND USES THEREOF :  
 :  
Serial No.: To be assigned : Date: November 6, 2001  
Filed: November 6, 2001 :  
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Schering-Plough Corporation  
Kenilworth, New Jersey 07033-0530

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**PRELIMINARY AMENDMENT**

Please amend the above-identified application as follows.

**IN THE SPECIFICATION**

On page 1 of the specification, please delete lines 5-7, the first paragraph of the specification, and substitute the following:

--This application is a divisional of application U.S. Serial No. 08/468,190 filed June 6, 1995 which is a continuation of U.S. Serial No. 08/410,121 filed March 23, 1995 which is a continuation-in-part of U.S. Serial No. 08/126,597 filed September 24, 1993.--

On page 179 of the specification, please delete lines 7-20, the three paragraphs of the abstract, and replace these paragraphs with the following:

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--Recombinant, attenuated infectious laryngotracheitis viruses containing a deletion or deletions in a glycoprotein gene are provided. Also provided are glycoprotein genes, gD, gI, gG and gE as well as other viral genes.--

### IN THE CLAIMS

Please cancel claims 44-52 and 54-86 without prejudice. Applicant elects to pursue those claims identified by the Examiner as Group 1 claims (claims 39-43 and 53) in an Office Action in the parent case dated September 25, 1996. These claims are drawn to nucleic acids encoding glycoprotein D (gD) and a method of diagnosis. In addition, applicant wishes to pursue new claims 87-92.

Support for these claims can be specifically found on page 29, lines 8-9, page 50, lines 1-10, in the sequence listing and also elsewhere throughout the specification.

The pending claims are thus as follows:

39. An isolated nucleic acid molecule encoding an infectious laryngotracheitis virus glycoprotein D.
40. The isolated nucleic acid molecule of claim 39, wherein the isolated nucleic acid molecule is genomic DNA.
41. The isolated nucleic acid molecule of claim 39, wherein the isolated nucleic acid molecule is cDNA.
42. An isolated RNA molecule which is derived from the isolated nucleic acid molecule of claim 39.

43. The isolated nucleic acid molecule of claim 39, operatively linked to a regulatory element.

53. A method of diagnosing infectious laryngotracheitis virus which comprises: (a) obtaining a nucleic acid molecule from a suitable bodily fluid of a subject; (b) contacting the nucleic acid molecule with the labelled nucleic acid molecule of claim 39 under hybridizing conditions; and (c) determining the presence of the nucleic acid molecule hybridized, the presence of which is indicative of infectious laryngotracheitis virus glycoprotein D in the subject, thereby diagnosing infectious laryngotracheitis virus in the subject.

87. (new) A recombinant DNA molecule comprising DNA encoding infectious laryngotracheitis virus glycoprotein D.

88. (new) The recombinant DNA molecule of claim 87, wherein the DNA encoding the infectious laryngotracheitis virus glycoprotein D comprises genomic DNA.

89. (new) The recombinant DNA molecule of claim 87, wherein the DNA encoding the infectious laryngotracheitis virus glycoprotein D is operatively linked to a regulatory element.

90. (new) The recombinant DNA molecule of claim 87, wherein the recombinant DNA molecule further comprises DNA encoding infectious laryngotracheitis virus glycoprotein I.

91. (new) A host cell comprising the recombinant DNA molecule of claim 87.

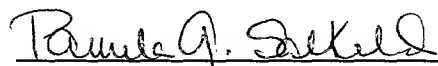
92. (new) A host cell comprising the recombinant DNA molecule of claim 90.

Applicant notes that a computer (disk) copy of the sequence listing has already been filed in the parent case. Applicant is submitting a Request for Transfer of Computer Readable Form of Sequence Listing along with this Preliminary Amendment.

**SCHERING-PLOUGH CORPORATION**

Patent Department, K-6-1, 1990  
2000 Galloping Hill Road  
Kenilworth, NJ 07033-0530  
908-298-2135  
Date: November 6, 2001

Respectfully submitted



**PAMELA G. SALKELD**

Reg. No. 38607  
Attorney for Applicants  
(908) 298-2135